

Date

Skipper Holloway
President, Gossen-Holloway & Associates
315 East Second St.
Thibodaux, Louisiana 70301

Re: Ethics Board Docket No. 2015-1445

Dear Mr. Holloway:

The Louisiana Board of Ethics, at its February 19, 2016 Board meeting, considered your request for an advisory opinion regarding whether your firm may be part of a submission in a request for proposal (RFP) to perform work under a subcontract for renovation projects at Nicholls State University. You stated that you are the sole owner of Gossen-Holloway & Associates. Your firm would like to be included as a subcontractor on a project with Nicholls State University Facility Planning and Control through the architectural firm of Weimer-Gros-Flores. Your wife, Sandy Holloway, was recently elected to the Board of Elementary and Secondary Education (BESE). BESE has no supervision or jurisdiction over Nicholls State University. Further, you stated that none of your immediate family members are employed by Nicholls State University.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from being included as a subcontractor in an RFP or providing services as a subcontractor through Gossen-Holloway-Flores to Nicholls State University. La. R.S. 42:1113A(1)(a) of the Code prohibits a public servant, a public servant's immediate family, or a legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant. La. R.S. 42:1113D(1)(a)(i) prohibits any member of BESE, the spouse of such member, and any legal entity in which the BESE member or his spouse owns an interest in excess of five (5%) percent, from entering into any *contract* with state government. Because neither you nor any of your immediate family members are employed by Nicholls State University or of an agency that exercises supervision or jurisdiction over Nicholls State University, you are not prohibited from entering into a transaction with them. Since La. R.S. 42:1113D(1)(a)(i) does not apply to *subcontracts*, the proposed sub-contractual relationship between Gossen-Holloway & Associates and Weimer-Gros-Flores on work performed for Nicholls State University is also not prohibited.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Brett Robinson
For the Board

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THIS IS NOT AN OPINION OF THE BOARD OF
ETHICS